

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No.
Petitioner	:	
:	:	
v.	:	Board Case Nos.:
	:	10-CB-145609
INTERNATIONAL LONGSHOREMEN’S	:	10-CB-148396
ASSOCIATION, LOCAL 1838	:	
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, International Longshoremen’s Association, Local 1838, its officers, agents, successors, and representatives, enforcing its order dated June 16, 2016, in Case Nos. 10-CB-145609 and 10-CB-148396 , and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, International Longshoremen’s Association, Local 1838, its officers, agents, successors, and representatives, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

## NATIONAL LABOR RELATIONS BOARD

v.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1838

**ORDER**

International Longshoremen's Association, Local 1838, its officers, agents, successors, and representatives, shall

1. Cease and desist from
  - a. Refusing for arbitrary reasons to refer members of the bargaining unit under our contract with the South Atlantic Employer's Negotiating Committee.
  - b. Refuse to follow the posted referral rules, dated December 17, 2013, when selecting members for add-on or replacement work.
  - c. In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
  - a. Fairly represent all members of the bargaining unit under our contract with the South Atlantic Employer's Negotiating Committee
  - b. Refer bargaining unit members for work according to our established hiring hall rules.
  - c. Make Michael E. Clewis whole for any loss of earnings and other benefits suffered as a result of our refusal to refer him for employment as a replacement worker on November 27, 2014, in the manner set forth in the remedy section of the decision.
  - d. Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

- e. Within 14 days after service by the Region, post at its hiring hall in the Southport area of North Carolina, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to members are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its members by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.
- f. Sign and return to the Regional Director sufficient copies of the notice for physical and/or electronic posting by Ports America and SSA Cooper, if willing, at all places or in the same manner as notices to employees are customarily posted.
- g. Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

**APPENDIX****NOTICE TO EMPLOYEES**

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES  
COURT OF APPEALS ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post, mail and obey this notice.

**FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union

Choose representatives to bargain on your behalf with your employer

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT, for arbitrary reasons, deny you referrals under our contract with the South Atlantic Employer's Negotiating Committee.

WE WILL NOT refuse to follow the posted referral rules, dated December 17, 2013, when selecting bargaining unit employees for add-on or replacement work.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL fairly represent all members of the bargaining unit.

WE WILL make all referrals of bargaining unit members in accordance with the established hiring hall rules.

WE WILL make Michael E. Clewis whole for any loss of earnings and other benefits suffered as a result of our refusal to refer him for employment as a replacement worker on November 27, 2014, in the manner set forth in the remedy section of the decision.

**INTERNATIONAL LONGSHOREMEN'S  
ASSOCIATION, LOCAL 1838**

---

Dated \_\_\_\_\_ By \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want

union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

233 Peachtree Street N.E., Harris Tower, Suite 1000, Atlanta, GA 30303-1531  
(404) 331-2896, Hours: 8 a.m. to 4:30 p.m.

The Administrative Law Judge's decision can be found at [www.nlr.gov/case/10-CB-145609](http://www.nlr.gov/case/10-CB-145609) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**  
THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (404) 331-2870.